General Assembly

# *Amendment*

***January Session, 2017***

LCO No. **6511**

*HB07032065 11HDO*


Offered by:

REP. LESSER, 100th Dist.
REP. SIMANSKI, 62nd Dist.
SEN. MARTIN, 31st Dist.
SEN. WINFIELD, 10th Dist.


To: Subst. House Bill No. **7032** File No. 185 Cal. No. 154

***"AN ACT REGARDING THE OFFICE OF THE STATE TREASURER'S RECOMMENDED REVISIONS TO THE ACHIEVING A BETTER LIFE EXPERIENCE PROGRAM."***

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In line 3, bracket "3-39q" and after the closing bracket insert "3-39r"

In line 9, insert an opening bracket before "(2)"

In line 10, strike the opening bracket

In line 11, strike "**]** a" and strike "with a qualified ABLE program"

In line 13, insert a closing bracket after "."

In line 14, bracket "(3)" and after the closing bracket insert "(2)"

In line 16, bracket "(4)" and after the closing bracket insert "(3)"

In line 18, bracket "(5)" and after the closing bracket insert "(4)"

In line 23, bracket "(6)" and after the closing bracket insert "(5)"

In line 40, bracket "(7)" and after the closing bracket insert "(6)"

In line 46, bracket "(8)" and after the closing bracket insert "(7)"

In line 48, bracket "(9)" and after the closing bracket insert "(8)"

In line 52, bracket "(10)" and after the closing bracket insert "(9)"

After the last section, add the following and renumber sections and internal references accordingly:

"Sec. 501. Section 3-39k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) **[**(1)**]** The State Treasurer (1) shall establish a qualified ABLE program pursuant to the federal ABLE Act and sections 3-39j to 3-39q, inclusive, as amended by this act, and (2) may contract with any state with a qualified ABLE program established pursuant to the federal ABLE act to provide residents of this state with access to such state's program.

(b) (1) Under the program established pursuant to subdivision (1) of subsection (a) of this section: (A) The State Treasurer shall administer individual ABLE accounts to encourage and assist eligible individuals and their families in saving private funds to provide support for eligible individuals, and (B) a person may make contributions to an individual ABLE account to meet the qualified disability expenses of the designated beneficiary of the account.

(2) For the purposes of **[**the**]** such program, there is established within the Office of the State Treasurer the Connecticut Achieving A Better Life Experience Trust. The trust shall constitute an instrumentality of the state and shall perform essential governmental functions, as provided in sections 3-39j to 3-39q, inclusive, as amended by this act. The trust shall receive and hold all payments and deposits intended for ABLE accounts as well as gifts, bequests, endowments or

federal, state or local grants and any other funds from public or private sources and all earnings, until disbursed in accordance with sections 3-39j to 3-39q, inclusive, as amended by this act.

**[**(b)**]** (c) (1) The amounts on deposit in the trust shall not constitute property of the state and the trust shall not be construed to be a department, institution or agency of the state. Amounts on deposit in the trust shall not be commingled with state funds and the state shall have no claim to or against, or interest in, such amounts, except as provided in subdivision (2) of this subsection. Any contract entered into by, or any obligation of, the trust shall not constitute a debt or obligation of the state and the state shall have no obligation to any designated beneficiary or any other person on account of the trust and all amounts obligated to be paid from the trust shall be limited to amounts available for such obligation on deposit in the trust. The amounts on deposit in the trust may only be disbursed in accordance with the provisions of sections 3-39j to 3-39q, inclusive, as amended by this act.

(2) The trust shall continue in existence as long as it holds any deposits or other funds or has any obligations and until its existence is terminated by law, and upon termination of the trust, any unclaimed assets of the trust shall return to the state. Property of the trust shall be governed by section 3-61a.

**[**(c)**]** (d) The State Treasurer shall be responsible for the receipt, maintenance, administration, investment and disbursements of amounts from the trust. The trust shall not receive deposits in any form other than cash. No depositor or designated beneficiary may direct the investment of any contributions or amounts held in the trust other than in the specific fund options provided for by the trust and shall not direct investments in such specific fund options more than two times in any calendar year. No interest, or portion of any interest, in the program shall be used as security for a loan.

**[**(d)**]** (e) A person may make deposits to an ABLE account to meet the qualified disability expenses of the designated beneficiary of the account, provided the trust and deposits meet the other requirements of this section, the federal ABLE Act and any regulations adopted pursuant to the federal ABLE Act by the Secretary of the Treasury of the United States.

**[**(e)**]** (f) On or before December 31, **[**2016**]** 2017, and annually thereafter, the State Treasurer shall submit (1) in accordance with the provisions of subsection (a) of section 3-37, a report to the Governor on the operations of the trust, including the receipts, disbursements, assets, investments and liabilities and administrative costs of the trust for the prior fiscal year, and (2) in accordance with the provisions of section 11-4a, a report on the trust and any contract entered into pursuant to subdivision (2) of subsection (a) of this section to the joint standing committees of the General Assembly having cognizance of matters relating to finance and public health, and shall make such report available to each depositor and designated beneficiary. The report required under subdivision (2) of this subsection shall include, but need not be limited to: (A) The number of ABLE accounts; (B) the total amount of contributions to such accounts; (C) the total amount and nature of distributions from such accounts; and (D) a description of issues relating to the abuse of such accounts, if any."

| This act shall take effect as follows and shall amend the following sections: | | |
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| Sec. 501 | *October 1, 2017* | 3-39k |